

UNITED STATES DISTRICT COURT

District of Hawaii

WAYNE BERRY

V.

BILL OF COSTS

HAWAIIAN EXPRESS SERVICE, INC., et al.

Case Number: 03-CV-00385 SOM/LEK

Judgment having been entered in the above entitled action on 3/9/2006 Date against Plaintiff WAYNE BERRY, the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ 0.00
Fees for service of summons and subpoena	0.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	1,858.70
Fees and disbursements for printing	496.84
Fees for witnesses (itemize on reverse side)	0.00
Fees for exemplification and copies of papers necessarily obtained for use in the case	0.00
Docket fees under 28 U.S.C. 1923	0.00
Costs as shown on Mandate of Court of Appeals	0.00
Compensation of court-appointed experts	0.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	0.00
Other costs (please itemize)	0.00
TOTAL	\$ 2,355.54

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: See Certificate of Service filed April 5, 2006

Signature of Attorney: _____

Name of Attorney: LEROY E. COLOMBE of Chun, Kerr, Dodd, Beaman & Wong

For: Defendant FOODLAND SUPER MARKET, LIMITED Date: 4/5/2006
Name of Claiming Party _____

Costs are taxed in the amount of _____ and included in the judgment.

By: _____ Clerk of Court _____ Deputy Clerk _____ Date _____

EXHIBIT A

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:
“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:
Rule 51 (d)

Rule 54 (d)
"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

Berry v. Hawaiian Express Service, Inc., et al.
 Case No. CV03-00385 SOM/LEK
 U.S. District Court, District of Hawaii

**TAXABLE COSTS INCURRED HEREIN BY
 FOODLAND SUPER MARKET, LIMITED**

DATE	DESCRIPTION	AMOUNT	G.E. TAX*
10/03	In-House Duplicating (182 pages at \$0.15 per page)	\$27.30	\$1.14
11/03	In-House Duplicating (324 pages at \$0.15 per page)	\$48.60	\$2.02
12/03	In-House Duplicating (60 pages at \$0.15 per page)	\$9.00	\$0.37
1/16/04	Court Reporter Charge – Copy of deposition of Mark Dillon (Vol. I) taken 12/16/03 **	\$481.17	--
1/16/04	Court Reporter Charge – Copy of deposition of Mark Dillon (Vol. II) taken 12/23/03 **	\$664.08	--
1/04	In-House Duplicating (579 pages at \$0.15 per page)	\$86.85	\$3.61
3/04	In-House Duplicating (177 pages at \$0.15 per page)	\$26.55	\$1.10
5/04	In-House Duplicating (29 pages at \$0.15 per page)	\$4.35	\$0.18
6/04	In-House Duplicating (380 pages at \$0.15 per page)	\$57.00	\$2.37
7/04	In-House Duplicating (112 pages at \$0.15 per page)	\$16.80	\$0.70
9/04	In-House Duplicating (290 pages at \$0.15 per page)	\$43.50	\$1.81
10/04	In-House Duplicating (490 pages at \$0.15 per page)	\$73.50	\$3.06
11/04	In-House Duplicating (272 pages at \$0.15 per page)	\$40.80	\$1.70
12/15/04	Court Reporter Charge – 12/6/04 – deposition of Brian Christensen, Jacqueline Rio, Alfredda Waiolama **	\$713.45	--
12/04	In-House Duplicating (285 pages at \$0.15 per page)	\$42.75	\$1.78
<i>Subtotal</i>		\$2,335.70	\$19.84
<i>TOTAL</i>			\$2,355.54

* On in-house charges only; outside charges already include G.E. Tax.

** Copy of invoice attached.

JAN FLOATE, RPR, CSR

P.O. BOX 1821

KAILUA, HAWAII 96734

Phone: (808) 263-1149 Fax: (808) 262-1096

Bill To:

ANDREW V. BEAMAN, ESQ.
 Chun Kerr Dodd Beaman & Wong, LC
 745 Fort Street
 Suite 900 Topa Financial Center
 Honolulu, HI 96813

Invoice

Number: 1448

Date: January 16, 2004

RE:

BERRY vs. H.E.X. et al.
 Civil No. 03-00385

AVB

Description	Copy	Amount
One Copy Deposition of: MARK DILLON, Volume I, taken on 12/16/03, at 1132 Bishop Street, Ste. 1405 TRANSCRIPT HAND-DELIVERED BY REPORTER 12/23/03.	a	461.95
<i>Rec'd By M.F. Date 2-5-04</i>		
<i>Approved For Payment By _____</i>		
<i>Paid - Ch. No. 205424 Date 2-6-04</i>		
<i>Distribution 111-23</i>		
<i>Foodland (Berry)</i>		
	Sub-Total	\$461.95
	Excise Tax 4.16% on 461.95	19.22
	Total	\$481.17

REPORTER'S DISCLOSURE

Pursuant to Rule 14 of the Rules Governing Court Reporting in Hawaii, I hereby make the following disclosure:

1. I, or my agency, was hired by Tim Hogan for this deposition.
2. The complete financial arrangements between myself (or my agency) and the person or organization named in Paragraph 1 are as follows:

ORAL DEPOSITIONS

Appearance fee per half day	\$45.00
Appearance fee if no transcript ordered	\$60.00 + half est.pgs
Original & one copy of transcript	\$ 3.15 per page
One copy of transcript	\$ 2.50 per page
Two copies of exhibits (one for Court)	\$.45 per page
One copy of exhibits	\$.45 per page
Medical/Technical/Interpreted depositions	25% surcharge
Expedited delivery: 3 - 3 days	50% surcharge
4 days	37.5% surcharge
Daily copy	100% surcharge
Arbitrations (non-technical; shared expense)	\$6.00 per page
Litigation Support ASCII diskette	\$15.00
Timestamped disks available upon request.)	No charge
Condensed transcript	\$10.00
Signature fee	\$15.00 per depo
Storage fee	\$10.00 per depo

WRITTEN INTERROGATORIES

Appearance and Pickup fee	\$65.00
Original & one copy of transcript	\$ 3.15 per page
One copy of transcript	\$ 2.50 per page
Signature fee	\$15.00
Storage fee for original	\$10.00
Two copies of records	\$.45 per page
One copy of records	\$.45 per page

REALTIME DEPOSITIONS

APPEARANCE FEES:

* With standard certified transcript preparation \$150 half day/\$290 full day

Realtime viewing requested and received by any/all opposing counsel will be charged at an equally divided percentage composite, known as "viewing charges", to reduce noticing attorney's realtime appearance fees proportionately.,

ROUGH DRAFT ASCII at end of day \$1.00 per page
(Multiple computers provided upon request.)

1. The charges specified in Paragraph 2 are the usual and customary charges made by me or my agency for like services to other persons. IF NOT, reasons are specified on the reverse side of this page.
2. If any financial or service discount for this or any other deposition will or might in any way be given to the person named in Paragraph 1, reasons for same are stated on the reverse side of this page.

I certify the foregoing to be a true and correct disclosure, to the best of my knowledge and information.

DATED: 7/1/02

Signed

Jan. Floate

Jan K. Floate, RPR, CSR-254

JAN FLOATE, RPR, CSR

P.O. BOX 1821

KAILUA, HAWAII 96734

Phone: (808) 263-1149 Fax: (808) 262-1096

JAN 20 2004

Bill To:

LEROY E. COLOMBE, ESQ.
 Chun Kerr Dodd Beaman & Wong
 900 Topa Financial Center
 745 Fort Street
 Honolulu, HI 96813

Invoice

Number: 1452

Date: January 16, 2004

RE:

BERRY vs. H.E.X. et al.
 Civil No. 03-00385

Bill to Foodland (Berry)
 AVR

Description	Copy	Amount
One Copy Deposition of: MARK DILLON, Volume II, taken on 12/23/03, at 1132 Bishop Street, Suite 1405. INCLUDES VOLUME OF EXHIBITS 5 - 26.	a	637.55
	Sub-Total	\$637.55
	Excise Tax 4.16% on 637.55	26.53
	Total	\$664.08

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Jan K. Floate, RPR, CSR-254

JAN FLOATE, RPR, CSR

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 900 Topa Financial Center
 745 Fort Street
 Honolulu, HI 96813

Invoice

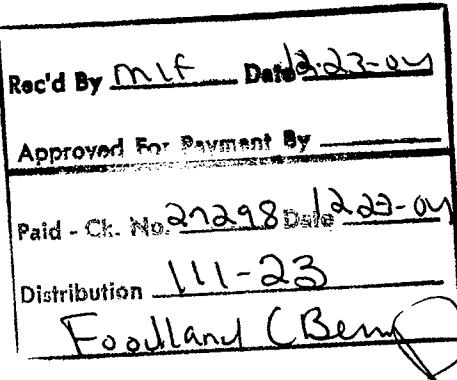
Number: 1586

Date: December 15, 2004

RE:

BERRY vs. H.E.X. et al.
 Civil No. 03-00385

013
 DEC 15 2004

Description	Copy	Amount
One Copy DEPOSITIONS OF:		
BRIAN CHRISTENSEN, 129 pages	a	
JACQUELINE RIO, 62 pages	a	
ALFREDDA WAIOLAMA, 54 pages	a	
Taken on December 6, 2004, at 1132 Bishop Street, Suite 306, Honolulu.	a	684.95
		
	Sub-Total	\$684.95
	Excise Tax 4.16% on 684.95	28.50
	Total	\$713.45

04
 (W)

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DATED: 7/1/02

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Jan K. Floate, RPR, CSR-254